

REMARKS

Claims 1-32 are pending in this application. Currently no claims stand allowed. The Office Action imposed a restriction requirement on the claims, dividing the claims into three groups. Applicants hereby affirm the provisional election of Group I (Claims 1-12 and 24). The Office Action rejected claims 1-11 and 24 and objected to claim 12. In this response, applicants have amended claim 1 but have not otherwise amended the pending claims. Applicants submit that the pending claims are patentable for at least the reasons discussed below.

Double Patenting Rejection of Claims 1 and 24

The Office Action rejects claims 1 and 24 under obviousness-type double patenting as being unpatentable over claims 1 and 37 of U.S. Patent No. 6,405,219. In the interest of advancing prosecution of the present application, applicants are filing a terminal disclaimer herewith to overcome the double patenting rejection.

Rejection Under 35 U.S.C. § 112 of Claims 1-12

The Office Action rejects claims 1-12 under 35 U.S.C. § 112, second paragraph. In particular, the Office Action suggests that the usage of the term “content” in claim 1 is unclear. Applicants respectfully disagree.

Specific kinds of “content” are described in Applicants’ specification, including HTML pages, image files, and video files (Specification, p. 17, ll. 3-6, and p. 29, ll. 16-19). For example, a content server may generate a web page containing order status information and other information useful for a customer (Specification, p. 19, ll. 22-26), and a content server may statically store a web page containing a picture and description of a product (Specification, p. 19, ll. 28-30). The specification also describes the caching of web page content in a cache server, which is well-understood in the art (Specification, p. 23, ll. 1-22). In this context, the term “content,” as used in claim 1, is well-understood in the art. U.S. Patent No. 5,991,306 to Burns et al., relied upon in the Office Action, refers to “content,” “content servers,” and “content providers” throughout its

disclosure. U.S. Patent No. 6,629,138 to Lambert et al., cited in the Office Action, also refers extensively to “content” and “content providers.”

The Office Action also contends that the manner in which the method of claim 1 is implemented is unclear. Applicants have amended claim 1 solely to clarify that the claim is a computer-implemented method.

Rejection Under 35 U.S.C. § 102 of Claims 1-10 and 24

The Office Action rejects claims 1-10 and 24 under 35 U.S.C. §102(e) as being anticipated by Burns. Applicants respectfully traverse this rejection.

Independent claim 1 includes “updating a first version of a file on an origin server with a second version of the file,” and independent claim 24 includes “means for updating a version of a file on an origin server with another version of the file.” The Office Action cites to several sections of Burns in support of its contention that Burns discloses these elements. However, these sections do not describe file version updating. Rather, they discuss the response by a local service provider to a subscriber request (Burns, col. 8, ll. 23-40), the downloading and caching of a web page (*id.* at col. 9, ll. 56-65), the software implementation of disclosed functional components (*id.* at col. 11, ll. 32-39), and a method of “pull-caching” data prior to peak demand times (*id.* at col. 11, ll. 40-46). Applicants note that the Office Action, in imposing its restriction requirement, has classified claims 1 and 24 as being “drawn to file version management.”

Independent claim 1 further includes “automatically replacing on a cache server each entry associated with the first version of the file with a corresponding entry in the second version of the file,” and independent claim 24 additionally includes “means for automatically replacing each entry on a cache server associated with the previous version of the file with the other version of the file.” The replacing occurs when the file version updating occurs on the origin server. As support for its view that Burns anticipates these elements, the Office Action cites to Figure 6 of Burns and an associated section of Burns that discusses downloading streaming video and audio data from a content provider. Although Fig. 6 depicts a device that is labeled as a cache server, Burns does not discuss automatic replacement of cache server entries in response to updating of associated content on an origin server.

Therefore, since Burns fails to disclose each element of the invention as claimed in claims 1 and 24, these claims are now in condition for allowance. Furthermore, since claims 2-10 depend from independent claim 1, these dependent claims are allowable for at least substantially the same reasons set forth above with respect to claim 1.

Rejection under 35 U.S.C. § 103 of Claim 11

The Office Action rejects claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Burns in view of U.S. Patent No. 6,594,664 to Estrada et al. Applicants respectfully traverse this rejection for at least substantially the same reasons as presented above with respect to independent claim 1, from which claim 11 depends. Applicants submit that claim 11 is not rendered obvious by the suggested combination of references and is therefore allowable.

Objection to Claim 12

The Office Action objects to claim 12 as being dependent on a rejected base claim and indicates that claim 12 would be allowable if rewritten in independent form. While applicants are appreciative of the Examiner's views on the allowability of claim 12, Applicants nevertheless have not amended claim 12 in this response. Applicants respectfully submit that claim 12 is allowable in its current form at least because claim 12 depends from claims that are allowable for the reasons presented above. Therefore, applicants respectfully request that the objection to claim 12 be withdrawn.

